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November 15, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals - 445 12th Street, S.W.
TW-A325
Washington, DC 20554

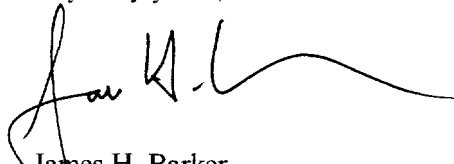
Re: *ET Docket No. 98-206; DA 99-494; Diversified Communication Engineering, Inc., File Nos. 6001-EX-MR-1998, 0094-EX-ST-1999; Call Sign WA2XMY; EX PARTE*

Dear Ms. Salas:

This is to advise you that on Wednesday, November 10, 1999, representatives of DIRECTV, Inc. ("DIRECTV"), including the undersigned, met with Commissioner Harold Furchtgott-Roth and his legal advisor for wireless and international matters, Bryan Tramont, and Commissioner Susan Ness and her legal advisor for mass media and cable matters, David Goodfriend. The substance of those meetings is summarized in the attached slides, which were used during the presentations.

Please contact the undersigned with any questions.

Very truly yours,


James H. Barker
OF LATHAM & WATKINS

Counsel for DIRECTV, Inc.

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**Comments to the
Federal Communications Commission
on Possible Secondary Licenses
in the Band 12.2-12.7 GHz**



November 10, 1999

DBS in the U.S. is:



- **Ubiquitous**
 - **1 in every 10 households**
- **Large and growing economic segment**
 - **Over \$6B annual revenue**
- **High quality and digital**
 - **But rain outages are biggest customer concern**
- **Consumer focused**
 - **Consumer installation and maintenance**
- **Regulated solely by the Commission**
 - **Band licensed for primary use by DBS**
- **Only real competitor to franchised cable operators**

High Quality and Digital



- Like ATSC, satellite “digital” has a steep threshold
- Any additional noise or interference reduces the rain margin over this threshold
 - This technical factor well accepted within the ITU
 - Reduced margin will increase outage times when the rain occurs--not when the interference first occurs
- Rain outage is the #1 customer concern
- Any interference, whether from Skybridge or Northpoint, individually and cumulatively, will increase outage times and frequency of outage times
- This DBS vulnerability (rain outage) will be exploited by digital cable as it is rolled out nationwide

Additional Concern: Complete Loss of Service



- **Customers located close to a terrestrial transmitter will experience a complete loss of service under clear sky conditions**
- **Cause of such an outage will not be readily apparent for either existing installations or new installations**
- **Northpoint's Washington DC test did not provide sufficient opportunity to demonstrate such a situation**
 - **Northpoint's efforts to support case by reference to an alleged lack of consumer complaints based on the DC testing are inappropriate and misleading**

Harmful Interference



- **Observed in Northpoint's Austin tests**
- **Observed in Northpoint's DC tests**
 - **DIRECTV observations in the field**
 - **Northpoint's own experimental report**

12.2-12.7 GHz Licensing



- For nearly twenty years, Commission has supported DBS as the primary user
 - The FCC historically has transitioned terrestrial users out of the 12 GHz band for interference protection reasons, with tremendous pro-competitive results
- Northpoint no longer claims to be a complementary service, which heightens DBS interference and compliance concerns
- Northpoint signals can significantly injure DBS, but DBS cannot harm Northpoint
- Ample spectrum has been allocated for Northpoint-type services, e.g., LMDS

Interference Levels Agreed to by ITU for NGSO FSS Sharing with GSO BSS



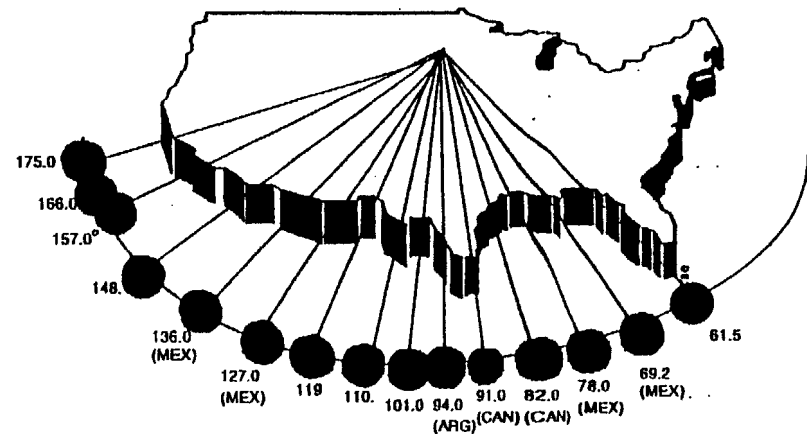
- All NGSO-FSS Systems Must Maintain:
 - < 10% increase in outage hours (total)
 - Req. C/I greater than 22 dB (steady state equivalent)
- Each NGSO FSS System Must Maintain:
 - < 2.9% increase in outage hours (per NGSO)
 - Req. C/I greater than 27 dB (steady state equivalent)

Protect BSS Reception from all Orbital Slots (Service to U.S.)



Examples of Operational & Potential DBS Satellites Serving U.S.

- 8 US Assignments
- 2 Canadian Assignments (82° , 91°)
- 1 Argentina Assignment (94°)
- 4 Mexican Assignments (69° , 78° , 127° , 136°)



**Worst Case Antenna Gain Must Be
Used to Protect BSS links
(As Specified By ITU)**



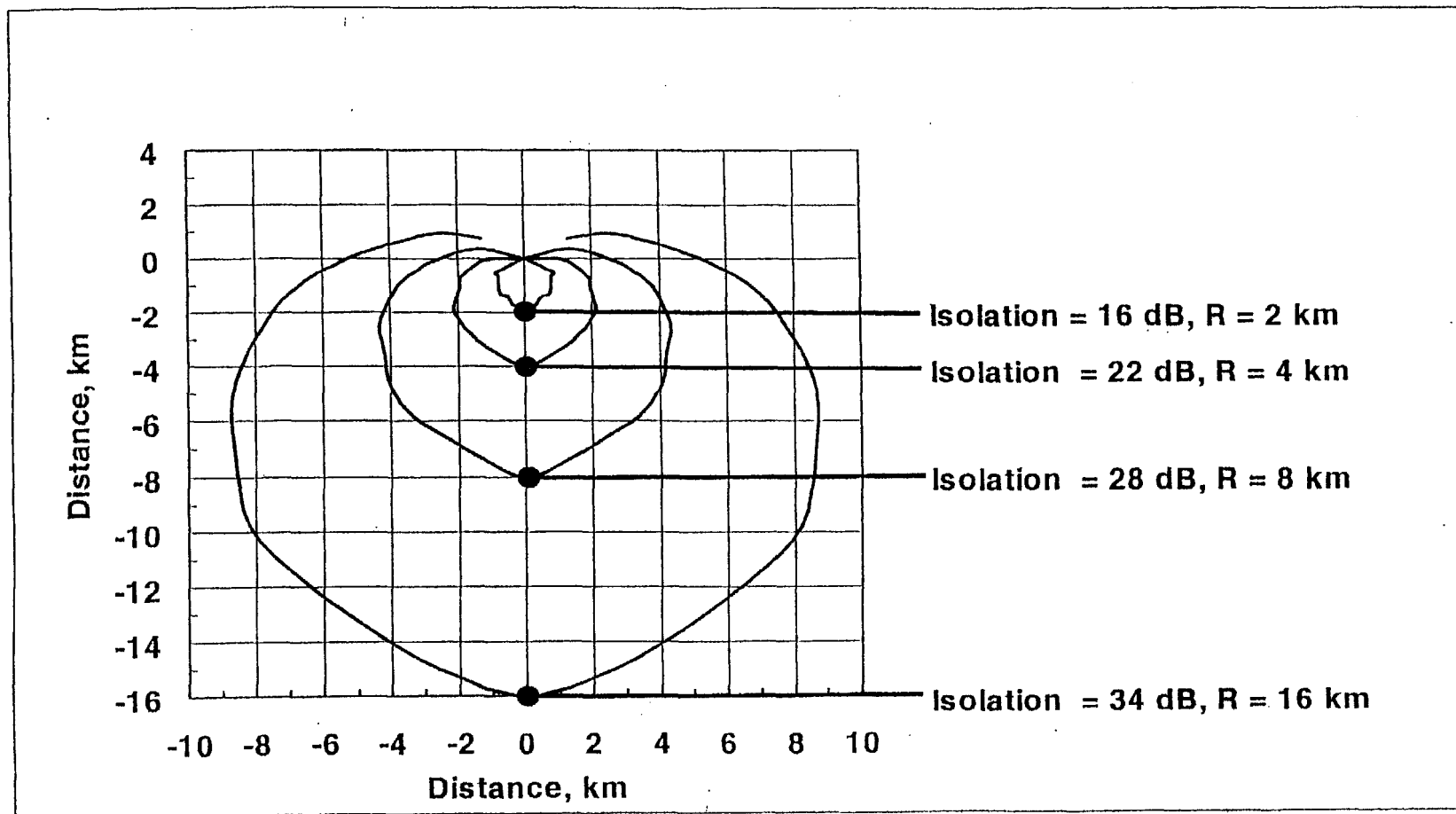
- Reception from any BSS orbital assignment must be protected.
- ITU-R Recommendation IS.847 provides the calculation method for determining victim earth station antenna gain to be used.
- Worst case antenna gain is the outcome of this procedure (*not average gain, as alleged by Northpoint*).
- 0 dBi for 45 cm parabolic offset fed antenna.

Simple View Of Generated Interference Levels



Assumptions:

- Northpoint Would Employ Receiving Systems With Performance Similar to DBS
- At Northpoint's Edge of Coverage, Interference Isolation (C/I) ~ DBS Antenna Discrimination ~ 34 dB



Interference Levels Using Northpoint System Parameters

